

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER RONEY,

Petitioner,

v.

JOHN E. WETZEL, Secretary, Pennsylvania
Department of Corrections; ROBERT
GILMORE, Superintendent of the State
Correctional Institution at Greene; STEVEN
GLUNT, Superintendent of the State
Correctional Institution at Rockview,

Respondents.

CIVIL ACTION

No. 2:14-cv-02083

THIS IS A CAPITAL CASE

HON. GENE E.K. PRATTER

JOINT STATUS REPORT

The parties, through counsel hereby submit this report on the status of discovery and related issues:

In furtherance of Petitioner's pending discovery request that the Court order disclosure of the prosecutors' jury selection notes in cases other than Mr. Roney's, Petitioner hereby reports to the Court with the attached list of cases tried to a jury by ADA Roger King (Attachment "A"). Of the cases listed, Petitioner has to date identified approximately twenty in which a *Batson* or *Batson*-related issue was raised at some stage of litigation; more than twenty in which jury voir dire notes of testimony have been located and are available; more than thirty in which he has obtained copies of the computer generated jury panel lists; more than thirty-five in which he has obtained copies of the Jury Voir Dire Sheets (the court crier's contemporaneous account of the jury selection process); and four cases in which has obtained copies of the sitting jurors' Questionnaires (containing, inter alia, jurors' self-report of race and gender).

Petitioner has also identified many more cases tried by Mr. King in which the jury voir dire transcripts either have been transcribed or likely have been transcribed, and Petitioner continues efforts to locate those transcripts as well as other jury selection materials. Petitioner has outstanding requests with the Philadelphia Clerk of Courts to review relevant files. Due to their age, some files are in the court's offsite storage; operational delays due to the coronavirus pandemic will require another 30 days before the clerk is able to make them available for review. In addition, the parties expect that some notes of testimony still may be located in the District Attorney's Office's internal databases. The District Attorney's Office has not yet completed that search. Group A of Attachment "A" also identifies twenty defendants who were prosecuted by Mr. King before a jury between 1991 and the close the close of 1996. In some instances, there were multiple trials and juries, for which notes of testimony are available.

In February 2021, counsel for Respondents, Max Kaufman, resigned from his position at the District Attorney's Office. On March 11, 2021, undersigned counsel, Matthew Stiegler, entered his appearance as counsel for Respondents and promptly reached out to counsel for Petitioner.

Considering new counsel's need to adequately familiarize himself with the case, the parties agreed that Respondent's prioritize their internal data systems search for jury selection transcripts from cases for which Petitioner has already obtained other jury selection related materials, but not the notes of testimony. Counsel for Respondents is now conducting this search, and will expand it to include the remaining cases as soon as the more targeted search is completed. Considering the complexity of this case, Mr. Stiegler anticipates needing 30-60 days to complete those internal searches.

We are attaching here as well the list of cases tried by Assistant District Attorney Paul Riley, which has previously been submitted to this Court. *See* Attachment “B”.

The parties will continue to compile information relevant to the listed cases. The parties of course are available for a status conference, if the Court wishes, at the court’s convenience.

Respectfully submitted,

| /s/ Michael H. Gonzales
MICHAEL H. GONZALES
HELEN A. MARINO
MATTHEW LAWRY
Federal Community Defender Office for the
Eastern District of Pennsylvania
Capital Habeas Unit
The Curtis Center, Suite 545-W
Independence Square West
Philadelphia, PA 19106
215-928-0520

Counsel for Petitioner Christopher Roney

| /s/ ~~Max Kaufman~~ Matthew Stiegler

MAX KAUFMAN MATTHEW STIEGLER
~~Supervisor,~~ Federal Litigation Unit
Philadelphia District Attorney’s Office
Three South Penn Square
Philadelphia PA 19107

Counsel for Respondents

| Dated: April ~~24~~, 2020

CERTIFICATE OF SERVICE

I, Michael H. Gonzales, hereby certify that on this 18th day of December 2020, I served a copy of the foregoing upon the following individual(s) via the Court's ECF system:

Matthew Stiegler, Esquire
Acting Chief, Federal Litigation Unit
Philadelphia District Attorney's Office
Three South Penn Square
Philadelphia PA 19107

/s/ Michael H. Gonzales
Michael H. Gonzales

Dated: April 10, 2020

ATTACHMENT A JURY TRIALS – ROGER KING

Group A: CASES TRIED BETWEEN 1991 AND THE CLOSE OF 1996

ADA Roger King tried the following cases to a jury between 1991 and the close of 1996. These case names are derived from lists supplied by Respondents and by independent research. Petitioner also identifies those cases that are known at this time to have jury voir dire notes of testimony available (denoted by “1”); those as to which Petitioner has been able to determine that jury voir dire notes of testimony were prepared, or there was post-trial litigation for which such notes may have been prepared (denoted by “2”); those in which a *Batson* or a related claim was pursued at some point in litigation (denoted by “3”); those in which Jury Voir Dire Sheets (the court crier’s contemporaneous account of the jury selection process) and/or venire panel lists are available (denoted by “4”); and those in which some or all juror questionnaires are available (denoted by “5”).

Where Petitioner has information that the jury was selected as a capital jury, that is noted.

Christopher Brown (capital) – 2, 4
CP-51-CR-033446-1989

Anthony Reid (2 cases)
CP 8906-0252 (capital) – 1, 3, 4

CP 8810-2482 (capital) – 1, 3, 4

Stephen Robinson (capital) – 1, 4
CP 9007-1117
(tried with co-defendant K. Johnson)

Chester Hollman – 2 (jury voir dire notes made part of record, per court docket), 4, 5
CP-51-CR-0625451-1991

James Dennis (capital) – 1,3,4
CP 9201-0484

Kenneth Ford (capital) – 1, 3, 4
CP 8910-3222

Orlando Maisonet (capital) (2 cases)
CP-51-CR-1134831-1990 – 1, 4
CP-9011-3477 – 1, 4

Dennis Rodgers –2, 4
CP 9211-3465

Rodney Williams (cap) - 1
CP 9201-3128

William Nieves (capital) – 2, 4
CP 9410-0970

Vincent Jeter (capital) – 1, 4, 5
CP 9403-3149

Borgela Philistin (capital) – 1, 4, 5
CP-51-CR-0709691-1993

Warren Summers (capital) – 1, 4, 5
CP 9501-0007
(tried with co-defendants Acey Barnes, Anthony Dent,
Malik Jones, Markee Jones, Bernard Morris, Quron
Blackwell)

Abdul Hardy (capital) – 1, 4
CP 9304-2850
(tried with co-defendants Mack Alderman, Stanley Williams, Muhammed ElAkram)

Clark B. Henderson (capital) – 1 (for three separately empaneled juries), 3, 4
CP-51-CR-1035262-1991
(tried with co-defendants Prince Hagwood, Kevin Cleveland, Denovian Royster, Walter
Royster, George Russell, John Kennedy)

Arthur Hawthorne (capital) – 1, 4
CP 9301-0470
(tried with co-defendants Barry Johnson, Michael Lilly,
David Sheppard)

David Dickson – 1 (for two separately empaneled juries)
CP-51-CR-0732711-1993

Fred Thomas – 1, 3, 4
CP 94-02-0991

Charles Diggs (retrial) – 2, 3
CP-51-CR-072091-1974

Robert Wharton (capital penalty phase retrial, 1992) – 1, 3, 4
CP -51-CR-0222581-1984

Group B:

This group contains cases that ADA Roger King tried to a jury either before 1991 or after 1996. Investigation is still underway to determine availability of jury selection notes and to clarify the status of joint trials for a number of co-defendants and related cases.

Victor Santiago (aka Jorge Cintron) (capital) – 1, 4
CP-51-CR-0236521-1989

Harold Carter
CP-51-CR-0800441-1979

Darryl Coleman – 2
CP-51-CR-0540731-1994
(2 jury trials)

Russell Madison - 2
CP-51-CR-0202621-1978

Kevin Hughes (capital) - 4
CP-51-CR-0313691-1980

James Jones (capital) – 1, 3, 4
CP 8010-2486

Allen Dantzler – 2, 4
CP 8207-2109

Charles Gilyard – 4
CP 8211-3548

Damon Jones (2 cases)
CP-51-CR-0907121-1982 (capital) – 3, 4
(Tried with co-defendants Isaiah (Isiah)
Givens and Portie Robertson)

CP 8206-1196

Richard Harris – 4
CP 8203-1414

William Smith – 4
CP8201-0683

Reginald Lewis – 2
CP-51-CR-1113611-1983

Ralph Stokes – 3, 4
CP 8203-4576

Jerome Marshall (trial, capital sentencing, capital resentencing) – 1, 3, 4
CP8311-1721-1730

Craig Murphy (3 cases)
CP-51-CR-0126101-1984 (capital) – 1, 3, 4
CP8405-2608 (capital) – 1, 3, 4
CP-51-CR-0925231-1985 (capital) – 2, 3

DeWitt Crawley (capital) – 1, 3, 4
CP-51-CR-0201551-1984

Esau Burroughs (multiple co-defendants) – 4
CP 8508-2051
(tried with co-defendants Rodney Wells, Morris Williams, Howard Ford)

Brian Thomas – 1, 3
CP 8509-2717

Wade Middleton – 4
CP-51-CR-0817871-1986

Anthony Sutton – 2, 3, 4
CP 8711-3696

Johnny Alexander – 2, 4
CP-51-CR-0211881-1988
(tried with co-defendant Anthony Harrell, CP-51-CR-0211882-1988)

Karen Anne Phillips – 2, 4
CP-51-CR-0534691-1988

Al Peoples (capital) – 1, 3, 4
CP8910-4498

Luis Bermudez – 4
CP 0109-0141

Major Hodges – 4
CP 0211-1021

Derrick Stevens

Albert Thomas

Carl Selby

Darryl Newkirk – 3

Maurice Charity

Darryl Duckson

Shaun Flynn

St. Aubyn Beecham

Clifton Parker - 3

Matthew Garcia

Lamont Bryant

Gregory Robinson

Saleen Norman

Gilbert Smith

Wayne Jackson

Pedro Valentin

Deirdre Douglas

Wendall Forrest

Kelly Aaron

Rocco Lodise

Alfonzo Morrison

Juvan Woodson

Charles W. Pitcher

Cody Wright

Kyhree Cunningham

Christopher Duckett

Elwin Lincona

Ivan McCall

Andre Carson

Kenneth Griffin

Phillip Keese

Kareem Carroll

Derick Wanamaker

Babaesu Bey 2, 4

CP-51-CR-0603821-1999

Donnie Jones – 2, 4

CP-51-CR-0511611-2001

Lavar Jones – 2

98-05-0578

Donald Pinner (possibly waiver trial)

Red Colt

Terry Bluford (possibly waiver trial)

Nathan Long (possibly waiver trial)

Sharif Torres

Anthony Jones

Omar McNeil

Aaron Smith

Al Collantes

Robert Ramirez

Joyce Schofield

Steven Davis

Michael Andrews

Shirlene Golden

George Gardner

Khalid Wilcox

Andrew Fields

Rodriguez A. Peake

Simon Pirela (aka Salvador Morales), 1
CP 9805-0578 (capital penalty-phase retrial; 1/4/2000)

Maurice Brown

Aaron Fox

Thomas Gibison

ATTACHMENT B**Defendants prosecuted by Paul Riley (jury trials)**

9/91	John Byrd aka Terrell Fuller	CP-51-CR-0527041-1990 ¹
5/92	Kevin Hyman	CP-51-CR-0828441-1992
7/92	George Mankowski	CP-51-CR-1133411-1992
7/92	Michael Jordan	CP-51-CR-1107521-1994
8/92	Darryl Frison	CP-51-CR-0827841-1982
8/92	Gregory Wright	[Possibly CP-51-CR-0513491-1988]
9/92	Darryl Hawkins	[Possibly CP-51-CR-0446041-1991]
9/92	Philip Ganter	
10/92	Darnel Sanders	CP-51-CR-0327941-1992
10/92	Khang Pham	CP-51-CR-0502061-1992
4/93	William Sandoval	CP-51-CR-0324221-1992
6/93	Donald Henderson	CP-51-CR-0615421-1990
7/93	Norman Sullivan	
8/93	Roy Ray Toomer/Nancy Young	CP-51-CR-0821431-1992 (Nancy Young) [CP-51-CR-0125531-1993 (Roy Ray Toomer)]
9/93	Anthony Hart	CP-51-CR-0613351-1992
2/94	Antoine Brown	CP-51-CR-0747311-1992
3/94	Damien Tadron	
3/94	Denzil Lee	CP-51-CR-1146301-1993
4/94	Kelvin Sutton (Batson-IAC)	CP-51-CR-0425701-1993
5/94	Antonio Pannell	CP-51-CR-1111251-1993
6/94	James Brown	
7/94	Wilfredo Maldonado	CP-51-CR-0725131-1992
9/94	John Williams	CP-51-CR-0908541-1996
9/94	Calvin Murphy	CP-51-CR-0608281-1994

¹ Petitioner has added this case to the list provided by Respondents. The jury selection began in September 1991.

10/94	Edward Kendrick	CP-51-CR-0114171-1994
6/95	Darious Stewart	
11/95	Daniel Gwynn (capital) (Batson)	CP-51-CR-1207051-1994
8/95	Robert Baylis or Baylin	CP-51-CR-0112931-1995
[3/96] ²	Gregory Womack/Jermaine Trice	CP-51-CR-0601181-1995
		CP-51-CR-0601186-1995
12/96	Michael Thomaston (capital)	CP-51-CR-0400541-1995
4/97	Jamie Santiago (capital)	CP-51-CR-0511821-1995
10/97	John Martini	CP-51-CR-0543921-1993
	Angela Collins	
[4/98] ³	Robert Hall	[CP-51-CR-0409511-1997]
	Kirk Jackson	CP-51-CR-0738601-1991
	Christopher Johnson	

² Respondents provided information that Womack and Trice were convicted in October 1994, but it did not provide case numbers. Petitioner was able to find information regarding a jury trial at which Womack and Trice were among the co-defendants tried by jury in March 1996. Those case numbers are provided above.

³ The Commonwealth provided the name Robert Hall. Counsel for Petitioner was able to locate the above Common Pleas Court case number and other post-trial dockets and citations involving Mr. Hall's jury trial for homicide, although without confirmation that the trial prosecutor was Mr. Riley. Trial took place in April 1998.

CERTIFICATE OF SERVICE

I, Michael H. Gonzales, hereby certify that on this 9th day of April 2021, I served a copy of the foregoing upon the following individual(s) via the Court's ECF system:

Matthew Stiegler, Esq.
Federal Litigation Unit
Philadelphia District Attorney's Office
Three South Penn Square
Philadelphia PA 19107

/s/ Michael H. Gonzales
Michael H. Gonzales

Dated: April 9, 2021